

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

AUG 29 2007

JOHN F. CORCORAN, CLERK
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Alphonso Buster Gilbert, Sr.)	
Petitioner,)	Civil Action No. 7:06CV00740
)	
v.)	<u>FINAL ORDER</u>
)	
UNITED STATES OF AMERICA,)	By: Hon. James C. Turk
Respondent.)	United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

that the respondent's motion to dismiss shall be and hereby is **GRANTED**. Petitioner's motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 29th day of August, 2007.

James C. Turk

Senior United States District Judge